

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

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PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee,

vs

Supreme Court No. 155239

JONATHAN DAVID HEWITT-EL,

Defendant-Appellant.

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Court of Appeals No. 332946  
(First interlocutory appeal: COA No. 330403)  
(Appeal of right: Court of Appeals No. 299241)  
Third Circuit Court No. 10-002907-01-FC  
Hon. Bruce U. Morrow

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**PLAINTIFF'S ANSWER OPPOSING  
DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL**

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**PLAINTIFF'S ANSWER OPPOSING  
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The People of the State of Michigan ask this Court to deny defendant's application for leave to appeal.

1. Defendant's application relies on the same arguments he made in the Court of Appeals.
2. The People's brief on appeal in the Court of Appeals adequately addresses these issues, and is incorporated in this answer. See Attachment A.
3. The Court of Appeals did not clearly err in rejecting defendant's arguments and reversing the trial court's order granting his motion for relief from judgment. MCR 7.302(B)(5).
4. Defendant's application does not demonstrate any of the other grounds for granting leave to appeal. MCR 7.302(B)(1)-(3).

5. To the extent defendant raises issues in his application that he did not raise in the Court of Appeals, review is foreclosed since there is no “decision by the Court of Appeals” to review. MCR 7.301(A)(2); MCR 7.302(B)(5). See also this Court’s order denying leave in *People v Holloway*, 35 Mich App 420; lv den 387 Mich 772 (1972): “[A]n appellant may not raise in this Court an issue not presented to the Court of Appeals.”
6. In sum, defendant’s application raises no issues worthy of this Court’s review.

**Relief**

WHEREFORE, the People respectfully request that this Honorable Court deny defendant's application for leave to appeal.

Respectfully submitted,

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MGA